

7-12-2001

ADDITIONAL REQUIREMENTS FOR LOCAL VOTER PETITIONS TO EXTEND LEGISLATIVE TERM LIMITS. INITIATIVE STATUTE.

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ADDITIONAL REQUIREMENTS FOR LOCAL VOTER PETITIONS TO EXTEND LEGISLATIVE TERM LIMITS.
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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION

(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

December 20, 2001

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPOSERS (01289)

FROM:

A handwritten signature in cursive script, appearing to read 'Brianna Lierman', written over a horizontal line.

BRIANNA LIERMAN
ELECTIONS ANALYST

SUBJECT: FAILURE OF INITIATIVE #925

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: ADDITIONAL REQUIREMENTS FOR LOCAL VOTER
PETITIONS TO EXTEND LEGISLATIVE TERM LIMITS.
INITIATIVE STATUTE.

SUMMARY DATE: July 12, 2001

PROPOSER: Diane Schachterle

RECEIVED

JAN 08 2002

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State of California

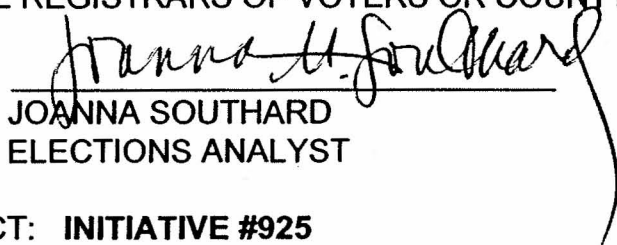
July 12, 2001

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TO: ALL REGISTRARS OF VOTERS OR COUNTY CLERKS AND PROPONENTS (01128)

FROM:


JOANNA SOUTHARD
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #925**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**ADDITIONAL REQUIREMENTS FOR
LOCAL VOTER PETITIONS TO
EXTEND LEGISLATIVE TERM LIMITS.
INITIATIVE STATUTE.**

The proponent of the above-named measure is:

Diane Schachterle
c/o People's Advocate, Inc.
3407 Arden Way
Sacramento, CA 95825

(916) 482-6175

RECEIVED

JUL 12 2001

#925
ADDITIONAL REQUIREMENTS FOR
LOCAL VOTER PETITIONS TO
EXTEND LEGISLATIVE TERM LIMITS.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 419,260
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Thursday, 07/12/01
Elections Code section (EC§) 336
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Thursday, 07/12/01
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Monday, 12/10/01*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Thursday, 12/20/01

(If the Proponent files the petition with the county on a date prior to 12/10/01,
the county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Saturday, 12/29/01**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e))..... Wednesday, 02/13/02

* Date adjusted for official deadline which falls on Sunday (EC §15).

** Date varies based on receipt of county certification.

INITIATIVE #925

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 12/29/01, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 461,186 or less than 398,297 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,297 and 461,186 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)) Saturday, 02/23/02*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)). Friday, 04/05/02

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 02/23/02, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Tuesday, 04/09/02*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE MARCH 5, 2002, PRIMARY

ELECTION: This initiative must be certified for the ballot 131 days before the election (October 25, 2001). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions with county elections officials by August 17, 2001. If a 100% check of signatures is necessary, it is advised that the petitions be filed by June 26, 2001.

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 324-8835
(916) 324-5490

July 12, 2001

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

RE: Initiative Title and Summary
SUBJECT: ADDITIONAL REQUIREMENTS FOR LOCAL VOTER PETITIONS
TO EXTEND LEGISLATIVE TERM LIMITS. INITIATIVE STATUTE.
FILE NO: SA2001RF0018

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,


TRICIA KNIGHT
Initiative Coordinator

For BILL LOCKYER
Attorney General

TK:cw
Enclosures

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

ADDITIONAL REQUIREMENTS FOR LOCAL VOTER PETITIONS TO EXTEND

LEGISLATIVE TERM LIMITS. INITIATIVE STATUTE. This measure would take effect only if another proposed initiative measure, entitled "Legislative Term Limits. Local Voter Petitions. Initiative Constitutional Amendment," is approved by voters. This measure imposes more requirements for qualifying incumbent state legislators to run for re-election and serve for an additional four years maximum. This measure establishes: qualifications for those who may circulate and sign a petition to qualify a legislator for re-election; verification procedures; restrictions on contributions for or against petition qualification; financial disclosure requirements; and penalties for violation of petition procedures. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in unknown, probably minor, costs to local governments for signature verification and minor costs to the state government.

SA2001RF0018



**PEOPLE'S
ADVOCATE, INC.**

Paul Gann, Founder

Your Voice in Government

May 22, 2001

Honorable Bill Lockyer
Attorney General
1300 I Street #125
P.O. Box 944255
Sacramento CA 94244

RECEIVED

MAY 23 2001

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

ATTN: Initiative Coordinator

Dear Attorney General Lockyer:

Please find enclosed a draft initiative petition which would further the purposes of and to implement sections 21 and 22 of Article II of the California Constitution relating to Term Limits. The proponent is Diane Schachterle 3407 Arden Way Sacramento CA 95825. It is submitted for title and summary.

Also enclosed, please find the \$200 filing fee.

If you have any questions, please contact Diane Schachterle, 3407 Arden Way, Sacramento CA 95825, 916-482-6175

Very truly yours,

Diane Schachterle
Project Administrator

Enclosures

SECTION 1. Declaration of Findings and Purposes

A) Term limits have reinvigorated the political process by promoting full participation and bringing a breath of fresh air to California government.

B) The people recognize that in some instances a few specially skilled and popular legislators have been unable to complete important legislative programs for their districts before they leave office.

C) Local voters may choose to authorize these exceptional legislators to run for an additional term(s) of office, not to exceed 4 years under our Constitution.

D) However, all voters in the state of California deserve to have that decision made by local voters and not outsiders, Sacramento special interests groups, or politicians who may desire to extend the terms of office of undeserving lawmakers for their own purposes. The potential for actual corruption or the appearance of actual corruption is extremely strong where a legislator's own career can be extended with large financial assistance of such special interests.

E) Furthermore, the power of incumbency is very strong and impedes the opportunity for new candidates to emerge and bring fresh ideas to state government. Moreover, political parties are strengthened when they encourage new persons to seek the party nomination for a legislative office. Allowing persons unaffiliated with a political party to influence the nomination process of another political party is inherently unfair and predatory and weakens political parties.

F) Therefore, the people of the State of California enact this measure to further the purposes of and to implement sections 21 and 22 of Article II of the California Constitution to insure that local legislative option does not become a weapon of outsiders, Sacramento special interests and politicians, but rather is truly limited to being exercised by local voters, affiliated with the party of the legislator, neighbor-to-neighbor.

SECTION 2. Exercise of Local Legislative Option by Local Voters

Part 5 of Division 8 (commencing with section 8900) of the Elections Code is added to read:

Sec. 8900(a). Exercise of the local legislative option under sections 21 and 22 of Article II of the Constitution is initiated by delivering to the Secretary of State, a petition invoking the right of local electors to re-elect a legislator who would otherwise be ineligible for re-election as a party nominee pursuant to Part 1 of Division 8 of the Elections Code, or independent nominee pursuant to Part 2 of Division 8 of the Elections Code, by reason of term limits under section 2(a) of Article IV of the Constitution.

(b) Prior to circulating a petition under this section, the proponents must file a declaration of intent to circulate a petition with the Secretary of State. The declaration shall identify the name and party affiliation of the legislator and the names and addresses of the proponents as registered to vote. There is no limit on the number of persons entitled to be a proponent of a petition. Only

proponents registered to vote in the district in which the legislator is serving at the time the declaration is filed and affiliated with the party, if any, in which the nomination is proposed, are entitled to be proponents of a petition under this section. An incumbent legislator is not entitled to be a proponent of a petition under this section.

(c) The proponents shall also file two copies of the proposed petition with the Secretary of State. Across the top of each page of a petition there shall be printed in 12-point boldface type the following: "Petition to Override Term Limits for [insert name and office of legislator]." The petition shall comply with section 22(f) of Article II of the Constitution and sections 100, 101, 104. The petition shall also comply with section 8041, if the legislator is affiliated with a party, or section 8409 if the legislator is not affiliated with a party.

(d) The Secretary of State shall, within 10 days of filing, certify that proponents identified in the declaration of intent to circulate are eligible to be a proponent under this section, and that the petition meets the format requirements. The Secretary of State shall then inform the proponents that they have 90 days to circulate petitions. The Secretary of State shall also provide a copy of the declaration of intent to circulate to the county clerks in the counties in which the legislative district is located. Notwithstanding Elections Code section 102, only the proponents identified on the declaration of intent may circulate petitions under this section.

(e) All signers of a petition section shall reside in the same county. The proponents shall submit all sections of the petition to the county clerk in which the signers of the petition reside at the same time. If a legislative district encompasses more than one county, petition sections may be filed in multiple counties, but all must be filed on the same day.

(f) The county clerk of each county that has received petition sections shall first verify that each of the petition sections was circulated by a proponent identified on the declaration of intent to circulate provided by the Secretary of State. If a petition section was circulated by someone other than a proponent, that section shall be void and all of the signatures declared invalid. The county clerk shall then verify that each of the signers of the petition sections is a registered voter in the district in which the legislator is serving and affiliated with the party, if any, in which the nomination is proposed at the time the petition is filed pursuant to section 105. The county clerk shall report the results of this verification process to the Secretary of State, who shall certify the results to the proponents and to the county clerks, as necessary to authorize the candidacy of the legislator who was the subject of the petition.

(g) Any voter that has signed a petition under this section shall be entitled to withdraw that signature pursuant to section 103.

(h) If the Secretary of State has certified the petition under this section as sufficient, the legislator who is the subject of the petition shall be entitled to seek re-election as a party nominee pursuant to Part 1 of Division 8 of the Elections Code, or as an independent nominee pursuant to Part 2 of Division 8 of the Elections Code.

SECTION 3. Disclosure and Limitations on Political Contributions for Exercise of Local

Legislative Option

Section 85102 of the Government Code is added to read:

Sec. 85102(a). In addition to any other reports required by this Act, a committee primarily formed to support or oppose the qualification of a petition under section 21 and 22 of Article II of the Constitution and Elections Code section 8900, or any other committee that spends one thousand dollars (\$1,000) or more to support or oppose the qualification of such a petition, shall file a campaign statement on the following dates with the Secretary of State:

(1) No later than 5 days after a declaration of intent to circulate petitions is filed with the Secretary of State pursuant to Elections Code section 8900(b), for the period commencing on the first day after the last campaign report was filed by the committee, and if no prior campaign statement has been filed, commencing on the date of qualification as a committee through the date on which the declaration of intent to circulate was filed.

(2) No later than 30 days after the filing of the prior campaign statement for the period commencing on the date on which the declaration of intent was filed and ending 30 days later and thereafter every 30 days until the committee is terminated or no longer is primarily formed to support or oppose the qualification of a petition under section 21 and 22 of Article II of the Constitution and Elections Code section 8900.

(b) Notwithstanding Article 2.5 of Chapter 5, a person may not make, and no committee may accept, any contribution totaling more than two hundred fifty dollars (\$250) for the purpose of supporting or opposing the qualification of a petition under section 21 and 22 of Article II of the Constitution and Elections Code section 8900.

(c) No candidate shall make, solicit or receive any contributions from any person for the purpose of supporting or opposing the qualification of a petition under section 21 and 22 of Article II of the Constitution and Elections Code section 8900 or for any committee primarily formed for that purpose.

(d) In addition to any other penalties provided by law, a petition submitted pursuant to section 21 and 22 of Article II of the Constitution and Elections Code section 8900 by any person who knowingly and willfully violates this section shall be void. Any legislator that qualifies for the ballot or is elected as a result of a void petition under this subdivision, shall forfeit his or her candidacy or office upon a such a determination.

SECTION 4. Operative Date

This measure shall become operative only if the voters approve a constitutional amendment adding sections 21 and 22 to Article II of the Constitution authorizing local legislative option to override the limitations on terms of office in section 2(a) of Article IV of the Constitution.

SECTION 5. Severability

The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

